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SPECIAL MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD  
PERMITTING AND COMPLIANCE COMMITTEE

SAN FERNANDO CITY HALL  
117 MACNEIL STREET  
CITY CHAMBERS  
SAN FERNANDO, CALIFORNIA

THURSDAY, JUNE 12, 2008

10:09 A.M.

KATHRYN S. SWANK, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Cheryl Peace

Ms. Margo Reid Brown

BOARD MEMBERS

Mr. Wesley Chesbro

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Mr. Elliot Block, Chief Counsel

Mr. Michael Bledsoe, Legal Counsel

Mr. Mark de Bie, Division Chief, Permitting & LEA Support  
Division

Ms. Tracey Cottingim, Administrative Assistant

Ms. Susan Markie, Manager, Assistance & Permits Branch -  
South

Mr. Bill Orr, Division Chief, Cleanup, Closure & Financial  
Assurance Division

Mr. Ted Rauh, Program Director, Waste Compliance &  
Mitigation Program

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Martin Aiyetiwa, County of Los Angeles

Dr. Wayne Aller, City Citizens Advisory Committee

Ms. Nicole Bernson, Councilman Greig Smith

Ms. Maryellen Crosby, Friends of O'Melveny Park

Ms. Mary Edward

Mr. Wayne Hunter, North Valley Coalition

Mr. Ralph Kroy, City Sunshine Canyon CAC

Ms. Cherrill Mann

Mr. Anthony Pelletier, Allied Waste BFI

Mr. Fred Pfaeffle, County of Los Angeles

Mr. Wayne Tsuda, City LEA

Mr. Gerry Villalobos, County of Los Angeles

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone.

3 Welcome to the Special June 12th meeting of the  
4 Permitting and Compliance Committee, the California  
5 Integrated Waste Management Board.

6 This meeting is being held to hear the applicant  
7 for the Sunshine Canyon Landfill Permit. We have agendas  
8 and speaker slips on the table just outside this room.

9 If you wish to speak to the committee, please fill  
10 out a speaker slip and bring it up to Tracy here, who's  
11 right up here to my left, and you will have an opportunity  
12 to address the committee.

13 Also, I would like to ask everyone to please  
14 either turn off or put in the silent mode your cell phones  
15 and pagers, please.

16 And just so everybody knows, this meeting is being  
17 Webcast through our board system.

18 So with that, Tracy, could you please call the  
19 roll.

20 ADMINISTRATIVE ASSISTANT COTTINGIM: Brown?

21 Peace?

22 MEMBER PEACE: Here.

23 ADMINISTRATIVE ASSISTANT COTTINGIM: Chair Mulé?

24 CHAIRPERSON MULÉ: Here.

25 And we are holding the roll open for Chair Brown.

1 She will be here shortly.

2 So with that, any ex partes?

3 MEMBER PEACE: I am up to date.

4 CHAIRPERSON MULÉ: As am I.

5 And so with that, let's move to the item.

6 Ted?

7 PROGRAM DIRECTOR RAUH: Good morning, Chair Mul  
8 and Member Peace.

9 I am Ted Rauh, the program director for the Waste  
10 Compliance and Mitigation Program.

11 The item before you today is the consideration of  
12 a new full solid waste facility permit for the Sunshine  
13 Canyon City/County Landfill located in the City and County  
14 of Los Angeles.

15 The Board is acting as a solid waste enforcement  
16 agency for the Sunshine Canyon City/County Landfill  
17 because there is no single local enforcement agency that  
18 has been certified by the Board to process a permit  
19 application for this facility, since it spans two separate  
20 jurisdictions.

21 Earlier this week, the Board received a  
22 designation information package for a newly formed  
23 Sunshine Canyon Landfill Local Enforcement Agency, which  
24 was recently formed by the City and County of Los Angeles.

25 Staff is reviewing the designation documents at

1    this time and will advise the agency of document  
2    completeness and begin the Board's designation  
3    certification review process according to Board  
4    regulations governing this action.

5           Staff has also held discussions with the City and  
6    County regarding the continuation of local inspectors to  
7    respond to complaints and carry out inspections in the  
8    period of time between the proposed action on the issuance  
9    of the Sunshine Canyon City/County Landfill Permit by the  
10   Board, assuming the Board concurs in the proposed permit  
11   and the Board certification of the Sunshine Canyon  
12   Landfill Local Enforcement Agency. Those discussions are  
13   ongoing, and it is the intent of staff that an agreement  
14   be reached with the City and County to establish these  
15   inspection services as quickly as possible.

16           I want to commend Sue Markie, manager of our  
17   Southern Permit Branch for her outstanding effort to  
18   manage the permit review process. She has worked  
19   tirelessly to respond to and incorporate appropriate  
20   suggested improvements into the permit for this facility.

21           Sue Markie will be making the staff's  
22   presentation.

23           MANAGER MARKIE: Good morning, Madam chair, Member  
24   Peace.

25           This item is consideration of a new full solid

1 waste facilities permit for the Sunshine Canyon  
2 City/County Landfill located in Los Angeles County. The  
3 site is owned and operated by Browning-Ferris Industries  
4 of California, Inc., BFI, a wholly-owned subsidiary of  
5 Allied Waste Industries, Inc.

6 The applicant -- BFI's proposal is to combine the  
7 currently existing Sunshine Canyon County Extension  
8 Landfill, Facility No. 19-AA-0853, which is within the  
9 jurisdiction of the County of Los Angeles LEA, with the  
10 Sunshine Canyon City Landfill Unit Two, Facility  
11 No. 19AR0002, which is within the jurisdiction of the City  
12 of Los Angeles LEA.

13 The Board, acting as EA, received a permit  
14 application package for the facility on January 8, 2008.  
15 On February 6, 2008, Board staff received amendments to  
16 the application which were deemed to be a new application,  
17 which required additional time to provide for an adequate  
18 review. The permit application was accepted by the EA on  
19 March 7, 2008.

20 The applicant responded to agency comments  
21 throughout the application process. These comments and  
22 responses have been included as part of this agenda item  
23 under Attachment 7. The last set of comments and  
24 responses were received on May 19, 2008. This package  
25 included text revisions prepared in response to comments



1 and in revision format, strike-through and underlined for  
2 ease of review, final text, tables, appendixes, figures  
3 and drawings, and the final amended pages to be inserted  
4 into the joint technical document. The majority of the  
5 changes were made in response to the redesign of the berm  
6 for Phase CC-3. The Regional Water Quality Control Board  
7 is the lead responsible agency in the review of these  
8 aspects of the joint technical document. Board staff  
9 continued to remain apprised of the Regional Water Quality  
10 Control Board's review in processing of the portions of  
11 the joint technical document.

12 Based on the updated analysis, there's reduction  
13 of 4 acres to the total disposal acreage for the combined  
14 city/county landfill from 367 acres to 363 acres. This  
15 reduction in acreage also resulted in an adjustment of  
16 total site capacity from 141.2 million cubic yards to  
17 140.9 million cubic yards. The proposed permit reflects  
18 these values.

19 Pursuant to Title 27, the EA has 60 days to write  
20 a proposed permit from the date the application was  
21 accepted. The proposed permit was completed on May 6,  
22 2008. Board staff requested and received comments from  
23 both the City and County of Los Angeles LEAs on the  
24 proposed permit. Comments received from the City and  
25 County LEA, as well as Los Angeles County, Department of

1 Public Works, along with Board staff responses, have been  
2 included in Attachment 7 and have been incorporated into  
3 the proposed permit where applicable.

4 Pursuant to Public Resources Code Section 44009,  
5 the Board has 60 calendar days to concur with or object to  
6 the issuance of a full solid waste facilities permit.  
7 Since the proposed solid waste facilities permit for this  
8 facility was completed on May 6, 2008, the last day the  
9 Board could act would be July 5, 2008.

10 The issuance of this proposed permit will allow  
11 for the following:

12 Facility acreage. The total area of the Sunshine  
13 Canyon County Extension Landfill is 542 acres, and the  
14 total area of the Sunshine Canyon City Landfill is 494  
15 acres. These two facilities will be combined to arrive at  
16 a total area for the city/county landfill of 1,036 acres.

17 The disposal area of the current county landfill  
18 is 161.5 acres. The current city landfill permit  
19 describes Phase 1 which consists of 84 acres. However,  
20 the total disposal area for the city landfill includes 205  
21 acres for Unit 1 and 194 acres for Unit 2, a portion of  
22 which will be developed over the inactive Unit 1.

23 The total disposal area for municipal solid waste  
24 of the city/county landfill will be 363 acres.

25 There is no change on the permitting tonnage. The

1 existing county and city permitted tonnage limits have  
2 been incorporated into the new city/county landfill permit  
3 and will allow for a maximum of 12,100 tons of waste in  
4 exempt materials received per day, or 66,000 tons per  
5 six-day week, plus 6,600 tons per week of exempt waste,  
6 for a combined total of 72,600 tons per week.

7           There is no change in the current permitted hours.

8           Solid waste and beneficial use materials received  
9 for both the city and county landfills is currently  
10 permitted from 6:00 a.m. to 6:00 p.m., Monday to Friday,  
11 and from 7:00 a.m. to 2:00 p.m. on Saturday, with the  
12 gates being open one hour before disposal operations  
13 commence in order to prevent the queuing of vehicles on  
14 San Fernando Road.

15           Equipment maintenance is allowed from 4:00 a.m. to  
16 9:00 p.m. Monday to Saturday except that no diesel  
17 vehicles are allowed to be started before 5:00 a.m.  
18 Landfill operations are allowed from 6:00 a.m. to  
19 9:00 p.m. Monday to Saturday.

20           There is an increase in disposal capacity. The  
21 combining of the two sites will allow for approximately  
22 17.6 million cubic yards of additional capacity on the  
23 county side, and 72.6 million cubic yards of additional  
24 capacity on the city side, for a total additional capacity  
25 of 90.2 million cubic yards. The city/county landfill

1 will have a design capacity of 140.9 million cubic yards.  
2 As of October 31, 2007 there was approximately  
3 111.2 million cubic yards remaining, which is equivalent  
4 to 74.1 million tons.

5           There is an increase in final elevation. The  
6 final maximum elevation currently permitted for the county  
7 landfill is 1,904 feet mean sea level, and the maximum  
8 elevation currently permitted for the city landfill is  
9 1,830 feet mean sea level. The maximum elevation of the  
10 county side on the merged facility will not change.  
11 However, the maximum elevation on the city side of the  
12 merged landfill will increase to 2,004 feet mean sea  
13 level.

14           There is an increase in site life. The estimated  
15 closure date and the county's solid waste facilities  
16 permit is January 2013. The city solid waste facilities  
17 permit estimates closure in five years. Since the site  
18 started accepting waste in July 2005, it would be assumed  
19 that the actual estimated closure date would be July 2010.  
20 The estimate of site life for the city/county landfill  
21 will be to the year 2037.

22           Diversion activities. Diversion activities  
23 identified in the proposed solid waste facilities permit  
24 in joint technical document include green and wood waste  
25 recycling as well as alternative daily cover use, concrete

1 asphalt beneficial reuse, and provisions for recycling of  
2 white goods, source-separated recycled glass, metal, and  
3 paper materials. The joint technical document describes  
4 an on-site green wood waste processing facility to be  
5 established, in the future, that would be able to process  
6 up to 800 tons of material per day.

7           The city/county solid waste facility permits  
8 include a permit condition which requires that the tonnage  
9 allowed at the green wood waste processing facility be  
10 approved in phases beginning with 220 tons a day up to  
11 800 tons a day. This language has also been included in  
12 the proposed permit.

13           Board staff have certified the following: The  
14 permit application package for this facility is complete  
15 and correct; the report of facility information meets the  
16 requirements of Title 27, Section 21600; the proposed  
17 permit is consistent with and is supported by the Final  
18 Environmental Impact Report which was certified by the Los  
19 Angeles County Board of Supervisors on November 30, 1993,  
20 a Final Subsequent Environmental Impact Report which was  
21 certified by the City of Los Angeles on December 10, 1999,  
22 and an addendum to the Final Environmental Impact Report  
23 and the Final Supplemental Environmental Impact Report by  
24 the Los Angeles County Department of Regional Planning in  
25 October 2004; the facility is in compliance with the

1 California Integrated Waste Management Plan conformance  
2 finding per the Public Resources Code, Section 50001, and  
3 is identified in the Los Angeles County countywide siting  
4 element;

5 The proposed expansion to merge the site in the  
6 unincorporated area and the site within the city limits is  
7 discussed and portrayed in a map in the countywide siting  
8 element. The permitted boundary around both existing  
9 sites will not change with the combining of the two  
10 landfills. Board jurisdiction, compliance, and audit  
11 staff find the proposed permit to be in conformance with  
12 the County's countywide siting element.

13 Consistency with state minimum standards. Staff  
14 have reviewed the proposed solid waste facilities permit  
15 and other permit documents and have determined that the  
16 permit is consistent with state minimum standards per the  
17 Public Resources Code, Section 44009(A)(2).

18 Board staff conducted a pre-permit inspection of  
19 the facilities on May 28th and May 29, 2008, and no  
20 violations of state minimum standards were noted at the  
21 time of the inspection.

22 Report of facility information completeness.  
23 Board staff have reviewed the joint technical document  
24 dated November 2007 with amendments in February and  
25 May 2008 and determined that the report of disposal site

1 information portion of the joint technical document meets  
2 the requirement of Title 27, section 21600.

3 Preliminary closure, post-closure maintenance  
4 plan. Staff of the Board's Closure and Financial  
5 Assurance Branch have determined that the preliminary  
6 closure, post-closure maintenance plan is complete and  
7 consistent with state minimum standards.

8 Financial assurance and operating liability.  
9 Staff of the Board's Financial Assurance Section completed  
10 their review of the financial assurance demonstrations and  
11 determined that the facility has met the financial and  
12 operating liability requirements.

13 California Environmental Quality Act. There is a  
14 lengthy history of environmental documents concerning the  
15 county and city portions of the site, and the details are  
16 included in the agenda item. Board staff find that the  
17 proposed solid waste facilities permit is consistent with  
18 and supported by the County's 1993 Final Environmental  
19 Report, and the City's 1997 Final Subsequent Environmental  
20 Impact Report, and the County's 2004 Addendum to the Final  
21 Environmental Impact Report.

22 Before the Board can consider concurring with this  
23 permit, the Board must adopt a statement of overriding  
24 considerations that indicates reasons for overriding the  
25 adverse environmental effects caused by the proposed

1 project.

2 It is Board staff's recommendation that the 1999  
3 Statement of Overriding Considerations adopted by the Los  
4 Angeles City Planning Commission and the 1993 Statement of  
5 Overriding Considerations adopted by the Los Angeles  
6 County Board of Supervisors meet the requirements of Title  
7 14, Section 15093.

8 Board staff recommend the environmental impact  
9 reports and addendums cited above and as adopted by the  
10 lead agencies in connection with their approval of the  
11 project as adequate for the Board's environmental  
12 evaluation of the proposed project for those project  
13 activities which are within the Board's expertise and/or  
14 powers or which are required to be carried out or approved  
15 by the Board.

16 On Tuesday, March 25, 2008, from 6:30 p.m. to  
17 approximately 8:30 p.m., Board Waste Compliance and  
18 Mitigation Program staff acting as the EA, conducted an  
19 informational meeting for the permit application for the  
20 combined Sunshine Canyon City/County Landfill pursuant to  
21 the requirements of the Public Resources Code at the Van  
22 Gogh Elementary School auditorium in Granada Hills.

23 The purpose of the meeting was to provide an  
24 overview of the project, discuss the preliminary  
25 determination of the application for a new solid waste



1 facilities permit for the Sunshine Canyon City/County  
2 Landfill, and allow for comments.

3 A transcript of the meeting was prepared and is  
4 part of Attachment 6 of this agenda item. Additionally,  
5 the transcript is posted on the Board's Web site along  
6 with a summary of the issues raised at the meeting and the  
7 staff's responses to the issues.

8 The meeting was noticed in the Los Angeles Daily  
9 News on Thursday, March 13, 2008; Saturday, March 15,  
10 2008; and Tuesday, March 18, 2008, by direct e-mail in the  
11 mass mailing of approximately 3,000 notices. There were  
12 approximately 72 attendees who signed in prior to the  
13 start of the meeting. There are several letters of  
14 opposition and support as part of the record and are  
15 included as attachments.

16 In summary, Board staff has concluded that all the  
17 requirements have been fulfilled, and Board staff  
18 recommends that the Board adopt Board Resolution  
19 No. 2008-107, adopting the California Environmental  
20 Quality Act findings and Statements of Overriding  
21 Considerations adopted by the lead agencies and concur in  
22 the issuance of the proposed permit for the Sunshine  
23 Canyon City/County Landfill, Solid Waste Facilities Permit  
24 No. 19-AA-2000.

25 I'm available to answer any questions you may

1 have. Additionally, Tony Pelletier with BFI is here today  
2 with a presentation and can also answer any questions you  
3 might have.

4 Thank you.

5 CHAIRPERSON MULÉ: Thank you, Sue.

6 And before we go any further, I would like the  
7 record to reflect that Chair Margo Brown has joined the  
8 committee.

9 So with that, let's move to the applicant's  
10 presentation, and then we will take public comment.

11 Good morning, please state your name for the  
12 record.

13 MR. PELLETIER: Good morning. My name is Anthony  
14 Pelletier. I am regional director of engineering,  
15 Environmental Management, for Allied Waste BFI.

16 Madam Chair, members of the committee, good  
17 morning. Thank you for allowing me to present the merits  
18 of our request for a single combined landfill for the  
19 Sunshine Canyon City/County Landfill today.

20 In this presentation, I will cover what is being  
21 requested, why we are seeking to combine the landfills at  
22 this time. I will touch on the community benefits  
23 provided by the landfill and then give a quick summary of  
24 the project and our request before you today.

25 As a matter of background, Sunshine Canyon is one

1 of the most highly regulated landfills in California and  
2 the United States. Sunshine Canyon has been designed to  
3 meet the highest engineering and environmental standards,  
4 and, in many cases, exceeds state and federal requirements  
5 for municipal solid waste landfills.

6 The list of additional standards includes, but is  
7 not limited to, a full-time local enforcement agency on  
8 site, whenever the landfill is operating. Since 2005 in  
9 the city landfill and 2007 with the approval of the county  
10 extension landfill, all cells are being constructed with a  
11 double composite liner system which exceeds state class 3  
12 landfill requirements. We've also funded additional air  
13 quality sampling around the facility and have met the  
14 seismic design standards for the maximum credible  
15 earthquake, also exceeding the class 3 landfill standards.

16 Today, BFI is requesting a new solid waste  
17 facility permit to combine the existing city and county  
18 landfills into one combined landfill operation within  
19 Sunshine Canyon.

20 In accordance with Condition 18 of our replacement  
21 conditional use permit approved in 2007, we are required  
22 to diligently pursue combined landfill operation. Our  
23 request is consistent with all of the environmental  
24 reviews done to date. It is required by the land use  
25 approvals already received for the landfill and also note

1 that the issuance of this solid waste facilities permit  
2 does not supplant or modify any local land use  
3 entitlements.

4 Outlined on this slide is a summary of our  
5 extensive local approvals and a list of environmental  
6 reviews completed by both the City and County of Los  
7 Angeles. Based on the summary shown, the environmental  
8 reviews and approvals have been ongoing for at least 15  
9 years.

10 One might ask, what are some of the highlights of  
11 combined landfill? Combined landfill means we have no  
12 change in our permitted tonnage, which is 12,100 tons per  
13 day, or our operating hours. The combined joint technical  
14 document is consistent with horizontal and vertical  
15 extents, which had previously been approved during the EIR  
16 and replacement CUP processes, consistent with the  
17 countywide siting element, which referenced a combined  
18 landfill and provides compliance with AB 939 requirements  
19 for the city and -- and meets the City and County of Los  
20 Angeles requirements for the 15-year disposal capacity.

21 Combined landfill also reduces environmental  
22 impacts by consolidation from two landfills into one.

23 So then why are we seeking approval now? The  
24 combined landfill unit has been contemplated for over 15  
25 years with the initial board of supervisors' approval in

1 1993. The operation of two distinct landfills has been  
2 ongoing for almost three years with the city landfill  
3 having commenced operations in July of 2005, and the  
4 county operations have been ongoing since 1996. We  
5 diligently requested the formation of the joint LEA while  
6 in advance of our decision to submit the solid waste  
7 facility application directly to the Board.

8           There are many environmental reasons for our  
9 pursuit of the approval at this time. They are: a  
10 combined operation will significantly reduce criteria  
11 pollutants, which are highlighted on this slide. There  
12 will also be significant reductions in fugitive dust  
13 emissions and potential litter generation. There will be  
14 improved landfill development for construction fill  
15 sequencing and soil management of the landfill. The  
16 facility also has an enhanced storm water control system  
17 for the combined landfill operation.

18           As I previously referenced, the facility will be  
19 constructed with a double composite liner system for all  
20 cells areas, and, as previously stated, the city landfill  
21 has been constructed that way since 2005, and the county  
22 extension since 2007 extension approval.

23           And in addition, the landfill is also designed for  
24 seismic standards for the maximum credible earthquake,  
25 which exceeds the class 3 standards required for the site.

1           A final reason for seeking approval of combined  
2   landfill is that we have also been directed by Condition  
3   18 from the County Board of Supervisors. Condition 18  
4   states, "Pursuant to this grant, the permittee shall  
5   diligently pursue a solid waste facility permit and all  
6   other permits and approvals necessary to develop and  
7   operate the city/county project."

8           Therefore, we have diligently pursued the solid  
9   waste facility permit for the combined landfill as  
10   directed by the board of supervisors.

11           Now I will speak about community benefits. We are  
12   particularly proud of our urban reforestation project  
13   where we have planted and grown over 9,000 trees on 100  
14   acres of donated property in the county of Los Angeles.

15           In addition, over the last several years, we have  
16   donated approximately 1300 acres to the Santa Monica  
17   Mountains Conservancy as well as Los Angeles County. And  
18   we've also dedicated approximately 80 acres of easements  
19   for the hiking trails along the perimeter of the landfill.  
20   Combined, Sunshine Canyon has donated over three and a  
21   half times the area of our proposed landfill footprint  
22   under the combined operation for open space to the  
23   surrounding community.

24           We've also completed development of the Arroyo  
25   Seco Wetlands Mitigation in the city of Pasadena; the

1 restoration of the Bull Creek area in nearby Granada  
2 Hills; and partnership with the City Department of  
3 Recreation and Parks. We're implementing the Chatsworth  
4 Wetlands Mitigation Project currently. Additionally,  
5 we've grown over 20,000 oak trees that have been planted  
6 on the ridges around Sunshine Canyon and/or donated for  
7 public use. One other item we've also done is we have  
8 provided emergency water and helipads to assist  
9 firefighting efforts at our landfill since 2006.

10 The combined landfill and operation will generate  
11 significant economic benefits over the life of the permit.  
12 The City of Los Angeles will be receiving approximately  
13 \$260 million over the life of the permit, which is  
14 generated by the 12 percent franchise fee for  
15 environmental and community programs.

16 The County of Los Angeles will be receiving an  
17 estimated approximately \$170 million over the life of the  
18 permit. Ten percent of this is the county host fee which  
19 will generate approximately \$90 million for the County.  
20 An additional \$80 million will go to environmental and  
21 community benefits as outlined on the slide.

22 In addition, we have also received many letters of  
23 municipal and community support for the combined landfill  
24 over the past several years.

25 In summary, our request for a combined solid waste

1 facility permit is consistent with all environmental  
2 reviews and local land use approvals and does not supplant  
3 or modify any local land use entitlements. It assists the  
4 City and County in maintaining compliance with the  
5 countywide siting element for 15 years of disposal  
6 capacity.

7 It has immediate and significant environmental  
8 benefits for dust and air emissions, and it provides  
9 hundreds of millions of dollars for community and  
10 environmental benefits to the City and County of Los  
11 Angeles.

12 In closing, BFI respectfully requests that the  
13 Integrated Waste Management board approve the solid waste  
14 facilities permit for the combined operations of the  
15 Sunshine Canyon City/County Landfill, No. 19-AA-2000.

16 Thank you for the time today, and our team is here  
17 and available for any questions you may have.

18 CHAIRPERSON MULÉ: Thank you. Thank you for the  
19 presentation.

20 Any questions?

21 Let's move into the public comment then. We have  
22 several speaker slips here. So I'm just going to request  
23 that everybody try to be as concise as possible, and if  
24 you are supporting a previous speaker's position, if you  
25 could also state that.



1           Our first speaker is Fred Pfaeffle.

2           MR. PFAEFFLE: Good morning. Thank you for the  
3 opportunity to address your Board members.

4           My name is Fred Pfaeffle, and I represent -- I am  
5 a municipal deputy county counsel with the County of Los  
6 Angeles. I represent the County LEA, and I also represent  
7 the newly-formed Sunshine Canyon Landfill Local  
8 Enforcement Agency Joint Powers Authority, which is in the  
9 process of hopefully becoming certified for the regulation  
10 of this landfill.

11           We would like to, first of all, place on the  
12 record an objection to the CEQA action that your Board is  
13 proposing to take in support of its concurrence with Solid  
14 Waste Facilities Permit 19-AA-2000 as inadequate and  
15 insufficient including because the California Integrated  
16 Waste Management Board will have failed to adopt -- excuse  
17 me, to consider and adopt the necessary CEQA documents,  
18 including its necessary monitoring programs for the  
19 required mitigation. Therefore, it does not comply with  
20 14 CCR 15093.

21           Secondly, I would like to state that we continue  
22 to object to the issuance of the permit due to the lack of  
23 legal authority by the Integrated Waste Management Board  
24 to do so.

25           But I would like to address certain items that

1    were raised in your staff's presentation, primarily the  
2    need for agreements. I think there was one agreement that  
3    was referred to as an agreement or mechanism to institute  
4    local regulation at the landfill, and that, I assume,  
5    would be with the -- with our County LEA and the City LEA  
6    until the joint powers agreement -- excuse me, authority  
7    becomes certified as a new LEA, and to act on behalf of  
8    the Integrated Waste Management Board as EA.

9            Secondly, there is a -- still an agreement that  
10    is -- that is required, as we have stated in the past,  
11    under the Public Resources Code for funding and also  
12    jurisdiction which needs to be put in place. So that is  
13    to say that the mechanism to regulate the landfill still  
14    needs to occur.

15           I'm glad to report that we are in dialogue with  
16    the operator, BFI, on the issue of the effective date for  
17    the permit that they are requesting. And we have  
18    requested that the operator consider postponement of the  
19    effective date to allow for this mechanism to be put in  
20    place and primarily the -- what we're requesting is that  
21    your staff currently has the designation information  
22    package and a proposed enforcement program plan that is  
23    required for certification, and we would like to  
24    respectfully request that those -- the processing of that  
25    be expedited in order to put that mechanism in place.

1           Now, if the JPA LEA is certified and put in place,  
2   then there would be the need for these agreements to be  
3   negotiated and then adopted by the agencies. And I am  
4   particularly in an unenviable position to be -- being  
5   asked to recommend to Los Angeles County Board of  
6   Supervisors to adopt an agreement for enforcement on a  
7   permit that on the record we disagree is even legal.

8           So this would be, I think, a creative and  
9   alternative solution that would be very useful to explore,  
10   and I'm thankful to BFI for -- and I'm hoping that they  
11   will address your Board further and express an interest to  
12   dialogue on that issue.

13           With that being said, I urge -- again, I'm going  
14   to make this very short and just urge the Board to  
15   expedite the processing of the EIP and the EPP for  
16   certification.

17           Thank you very much.

18           CHAIRPERSON MULÉ: Thank you.

19           And Ted, I was wondering if you could address the  
20   two issues that he brought up.

21           PROGRAM DIRECTOR RAUH: With respect to the  
22   staff's ability to carry out the appropriate surveillance  
23   and enforcement for this permit, we do have the resources.  
24   We have both local inspectors in Los Angeles, and we have  
25   inspectors in Sacramento that are also capable of carrying

1 out the responsibilities.

2           However, in April, I extended an offer to both the  
3 City and the County to reach an agreement with us for the  
4 use of their staff to augment our staff for on-site  
5 activity -- basically, a complaint response and any daily  
6 surveillance that might be necessary. That extension, or  
7 the extension of that offer, was purely to facilitate the  
8 ongoing operation of the site. It did not mean that the  
9 state is not capable of carrying out its responsibilities.  
10 It was offering to both LEAs an opportunity to continue  
11 the role that they played there at least with respect to  
12 the requirements of the state, the state requirements  
13 under the provisions of the permit and the waste  
14 management control laws.

15           And with that, I also note that he made reference  
16 or that the county counsel made reference to the fact that  
17 the Board needs to reach out and establish an ongoing  
18 agreement with the LEAs in this event. And I thought,  
19 perhaps, legal counsel might address that point for me.

20           CHAIRPERSON MULÉ: Michael?

21           LEGAL COUNSEL BLEDSOE: Excuse me, Ted. You are  
22 talking about the agreement for the jurisdictional  
23 agreement?

24           PROGRAM DIRECTOR RAUH: That's correct.

25           LEGAL COUNSEL BLEDSOE: Yes, Madam Chair. Thank

1     you.

2             We have proposed a first draft of a jurisdictional  
3     agreement under Section -- Public Resources, Section  
4     43310.1, I believe is the number. And are hoping to  
5     discuss that with the LEAs later this afternoon, but it's  
6     on the table and we will do our very best to get that  
7     executed as quickly as possible.

8             We are also working with them on an agreement to  
9     provide certain inspectional and complaint resolution  
10    services, again, which we'll be discussing this afternoon  
11    and hope to get that in place as quickly as we can.

12            CHAIRPERSON MULÉ: Thank you very much. And then  
13    the other issue of postponing the effective date of the  
14    permit. Michael, would you be able to address that for  
15    us?

16            LEGAL COUNSEL BLEDSOE: Yes. That is -- there is  
17    some possibilities there, creative ideas, that might  
18    possibly work. We are under a time limit, of course, to  
19    issue the permit, you know, which we anticipate will  
20    happen next week. If the operator is interested in a  
21    delayed date of implementation of the permit, we could  
22    certainly consider that, but the permit itself will be  
23    issued on schedule, roughly, next week.

24            CHAIRPERSON MULÉ: Okay.

25            LEGAL COUNSEL BLEDSOE: I do have, Madam Chair, if

1 I might respond to a couple of other points.

2 CHAIRPERSON MULÉ: Thank you.

3 LEGAL COUNSEL BLEDSOE: I would like to make the  
4 point that the jurisdictional agreement that I mentioned  
5 does not have to be executed prior to the Board's  
6 concurrence in the permit. You know, since we're kind of  
7 the LEA -- or the enforcement agency of last resort, with  
8 or without the agreement we have to receive, we'll do our  
9 best to get that executed as soon as possible, but we have  
10 to proceed whether we get that agreement or not.

11 Then very briefly, I'd just like to respond to the  
12 CEQA comments that Mr. Pfaeffle made.

13 First off, of course, it's our view that the Board  
14 does have the authority to issue this solid waste  
15 facilities permit. I think we've addressed that primarily  
16 through the AB 59 hearing we had on those topics.

17 The CEQA determination and CEQA actions that the  
18 Board will be taking, if it concurs in this permit, are  
19 sufficient under CEQA. We're acting as a responsible  
20 agency rather than as a lead agency, so we're relying on  
21 the environmental documents that the lead agencies, the  
22 City and County of Los Angeles, that they have prepared,  
23 and those documents are sufficient for our purposes.

24 The Board will be adopting statements of  
25 overriding considerations. Staff has recommended to you

1 that you adopt the same statements of overriding  
2 considerations that the City and County adopted when they  
3 certified the environmental documents in question.

4 On the question of mitigation, monitoring, and  
5 reporting plan, the Board does not have to adopt its own  
6 separate mitigation, monitoring, and report plan unless  
7 the Board were to impose its own separate mitigation  
8 measures, none of which staff has recommended, because we  
9 believe the mitigation measures imposed by the City and  
10 County are sufficient to avoid or, you know, reduce as  
11 much as possible the environmental effects of the project.

12 Thank you very much.

13 CHAIRPERSON MULÉ: Thank you.

14 Our next speaker is Ralph Kroy.

15 MR. KROY: I got some exercise today, I guess.

16 My name is Ralph Kroy. I am the chair of the City  
17 Sunshine Canyon CAC.

18 The California Integrated Waste Management Board  
19 appears to be run slip-shot over local governments on this  
20 issue. It has put the political hold on the 140-page  
21 joint LEA documents submitted by the city/county -- the  
22 joint LEA by the city/county requirements to the CIWMB to  
23 certify. It is on their hold; they have it.

24 The California Integrated Waste Management permit  
25 has many adverse changes, this one has, from the

1 city/county permits. There are many flaws in the Agenda  
2 Item 9, as noted, one especially when it says there's no  
3 local LEA, page 1.

4 The city side elevation change from 1,830 feet to  
5 2,004 feet mean sea level is a major change. The  
6 operation of city side was required to be five years as a  
7 independent or a separate side from -- excuse me, from  
8 2005 to 2010, and now it's changed to 2037.

9 On page 4 of your document, it says just a few  
10 items. But really, the LEA has issued over 110 violations  
11 by 2007. It appears that you are not looking at  
12 violations by the LEA or the City. You are looking at  
13 just very specific violations. BFI has had many  
14 violations.

15 Also, the additional capacity of 90 million cubic  
16 yards is not a minor change; it's a major change. There's  
17 also a five-year separate landfill operation required by  
18 the City of L.A.. Now, you are looking at three years and  
19 you are making this sound like a long time but it is a  
20 requirement by the City to operate for five years as a  
21 separate operation before there would be a joint  
22 operation.

23 Anyway, the California Integrated Waste Management  
24 Board appears to be a landfill operator's home office and  
25 operation. I mean, I have testified in Sacramento about



1 the operation of the Sunshine Canyon, and at that time,  
2 they had 73 violations while the neighboring city had  
3 none. And yet, one of your Board members, Jones, said he  
4 saw nothing wrong with 73 violations, because his family  
5 had operated landfills in the past. So the background of  
6 this Board is something that I think the public is not too  
7 happy with.

8 Anyhow, thank you.

9 CHAIRPERSON MULÉ: Thank you, Mr. Kroy.

10 Ted, could you address the five-year operation  
11 time limit as well as the history of LEA violations just  
12 to kind of -- you know. Thank you.

13 PROGRAM DIRECTOR RAUH: Yes, I will.

14 I will quickly hit the point that he started with,  
15 with respect to the EPP and the certification document.  
16 The staff has worked with the LEA, both the city and the  
17 county LEAs prior to the formation, and then with the  
18 combined LEA extensively over the past number of months,  
19 reviewing repeated drafts of these documents to facilitate  
20 that they can be prepared in a fashion that the Board can  
21 certify.

22 We just received the document earlier this week,  
23 the final package, and, obviously, will conduct our review  
24 for completeness as quickly as we can and then begin with  
25 either the certification process. So no effort is being

1 not made to make this go as quickly as possible.

2 I would like to ask Sue to address those two  
3 points.

4 DIVISION CHIEF DE BIE: Mark de Bie with the  
5 permitting group. I am going to take the five-year issue  
6 and staff is fully aware that there is a requirement in  
7 the approval that was provided the site for the city side  
8 that indicates a phasing approach to the development of  
9 the city landfill prior, certainly prior, to combining  
10 into a larger landfill.

11 I know there's been some discussion among the  
12 operator and the City relative to what that five-year  
13 really means. The point of view from Board staffs, or  
14 Board staff's point of view, is that the solid waste  
15 facilities permit does nothing to affect a five-year time  
16 frame one way or the other. It's one approval in a line  
17 of multiple approvals. The operator still has to go to  
18 the Water Board. If there are issues relative to a land  
19 use approval from either the City or County, those will  
20 need to be worked out with the City and County prior to  
21 the operator fully implementing their proposal under the  
22 solid waste facility permit.

23 So it's sort of a neutral issue relative to the  
24 permit and what it would allow. All the approvals need to  
25 be in place before the operator can fully implement it.

1 If for whatever reason the operator is unable to or  
2 changes their approach to developing a landfill for  
3 whatever reason -- be it Water Board approve something  
4 slightly different than what's currently approved, or the  
5 air district has some issues with something that affects  
6 the areas covered by the solid waste facilities permit as  
7 described in the report, disposal site information -- the  
8 operator will be obligated to come back and amend the  
9 document to reflect the new paradigm, the new approach,  
10 because of these other approvals. And that may require  
11 some sort of revision to the permit, potentially.

12 CHAIRPERSON MULÉ: Thank you for that  
13 clarification.

14 DIVISION CHIEF DE BIE: And then Sue's going to  
15 cover the other issue.

16 MANAGER MARKIE: Hello.

17 In the compliance history as outlined in the  
18 agenda item -- we went back several years -- in the past  
19 two years or beginning of 2006, the city side had zero  
20 violations. Let's see. No, they had one violation in  
21 2006 for litter; one violation in 2007 for litter; and one  
22 violation in 2008 for litter. And in two of those  
23 instances, the city landfill was actually closed down  
24 because of -- plastic bags were found in the neighborhood,  
25 so it was addressed immediately and proper action was

1 taken.

2 On the county side, in 2006, they had four state  
3 minimum standards violations and two permit violations --  
4 dust, daily cover, and the violation for disposal site  
5 records was that the operator didn't notify the LEA at  
6 once when a violation was received from the Air Quality  
7 Management District; and a PRC violation for the operator  
8 exceeding their permitted hours of operation. The LEA  
9 noted that these violations were corrected by the next  
10 monthly inspection, so they were not ongoing.

11 In the county side in 2007, they received one  
12 violation for roads, and this, again, was not repeated in  
13 the following month.

14 When we went out to see if this site was in  
15 compliance with state minimum standards in May 28th and  
16 29th, staff with both LEA offices were with Board staff,  
17 and we all came to the same determination, there were no  
18 violations. I have not seen the LEAs' reports, but on the  
19 exit interview, we all concluded that there were two areas  
20 of concern and there were no violations noted.

21 And I'm not familiar with the numbers that  
22 Mr. Kroy came up with. I have not heard of that amount of  
23 violations at any time.

24 Thank you.

25 CHAIRPERSON MULÉ: Okay. Thank you.

1 Question? Board Member Peace?

2 MEMBER PEACE: I just had one quick. I think  
3 Mr. Kroy mentioned a height increase. Now, there is  
4 174-foot height increase on the city side, and that puts  
5 it at a hundred feet higher than that county side. I  
6 assume that was addressed in the city's EIR.

7 MANAGER MARKIE: Yes. The elevation changes were  
8 all addressed in the appropriate environmental documents.

9 DIVISION CHIEF DE BIE: If I may interject, I  
10 think when we say increase in our staff report with the  
11 two separate landfills, and what they are at, but it was  
12 always envisioned that there would be a combined landfill  
13 with a certain final elevation as described in the CEQA  
14 document. So it's an increase over current paradigm and  
15 current state with two separate, but it's consistent with  
16 what was analyzed through the environmental review  
17 documentation.

18 CHAIRPERSON MULÉ: Thank you.

19 Our next speaker is Dr. Wayne -- Michael?

20 LEGAL COUNSEL BLEDSOE: Just very briefly, Madam  
21 Chair.

22 CHAIRPERSON MULÉ: Sure.

23 LEGAL COUNSEL BLEDSOE: Sort of emphasizing the  
24 point that Mark just made with respect to height and daily  
25 tonnage, the project that is described in the underlying

1 environmental documents is compatible. The project that's  
2 before you today, the solid waste facilities permit, is  
3 within that environmental -- those environmental  
4 documents, so there is no increase from the environmental  
5 impact.

6 CHAIRPERSON MULÉ: Okay. Good. Thank you for  
7 making that verification.

8 Dr. Wayne Aller?

9 DR. ALLER: Yes. Thanks for the opportunity for  
10 addressing the Board and your staff.

11 I have a question following up. I don't  
12 understand what you just said about there not being any  
13 increase. There's 174-foot increase in the city side.  
14 Can you address that? I don't understand what the  
15 attorney just said.

16 LEGAL COUNSEL BLEDSOE: Yes, Madam Chair.

17 The point that I was making is that the project  
18 described in the Environmental Impact Report is larger  
19 than or as large as the solid waste facility that's  
20 described in the proposed permit.

21 DR. ALLER: Which Environmental Impact Report?

22 LEGAL COUNSEL BLEDSOE: The ones referenced in  
23 this staff report, the City's Environmental Impact Report  
24 of 1999; the County's of 1993; and an addendum in 2004.

25 And were there other environmental documents?

1 DR. ALLER: So am I to understand, then, that the  
2 City's 1999 Environmental Impact Document, or '93,  
3 whichever it is -- 1999, I guess, envision this 2003  
4 height?

5 LEGAL COUNSEL BLEDSOE: Yes. That's -- that's  
6 correct.

7 DR. ALLER: Or pardon me. Okay.

8 Well, I have several problems. First of all,  
9 there is a very fine document that the City and County  
10 have worked out. It's the SCL LEA Enforcement Program  
11 Plan, which I understand has been submitted but not  
12 certified by CIWMB. I like that document. I am the chair  
13 of the County Community Advisory Committee for the  
14 Sunshine Canyon landfill. And I'm on the Board of the  
15 City Citizens Advisory Committee for the Sunshine Canyon  
16 Landfill, and we've worked very hard over the years to try  
17 to implement what we believe are prudent but necessary  
18 controls over the operation of the landfill, including  
19 public health issues, not limited to the landfill itself  
20 but also including the diesel trucks that go through our  
21 streets to get to the landfill.

22 And I am concerned that some of those restrictions  
23 and some of the things that we work so diligently to put  
24 in place will fall by the wayside.

25 As I calculate the increased tonnage it's

1 72 million tons a year. Someone said 90 million. I don't  
2 know. Maybe my calculations are wrong. But with the  
3 increased elevation of the city side, I am concerned about  
4 the seismic stability for one thing. I don't know if this  
5 has been adequately addressed.

6 The Allied Waste gentleman said something about  
7 their plan not -- or taking into account the maximal  
8 seismic event projections. I don't know what data he's  
9 using but I can tell you that the USGS published a study  
10 in '96 saying that the probability of a 6.5 or greater  
11 earthquake at or very close to the landfill site is --  
12 within the next hundred years is 1.00. Absolute certainty  
13 that there will be a major earthquake. By increasing that  
14 height -- I don't know what the gradient is going to be --  
15 that worries me a lot. And I'm not sure that those  
16 engineering issues have been adequately addressed.

17 I'm also wondering how it is that with the  
18 increased tonnage, the increased egress and ingress of  
19 vehicles PM, 2.5, PM 10s, NOx, all these noxious things  
20 are going to go down. I don't understand how that's  
21 possible by this joint operation. I'm questioning some of  
22 the statements made by the Allied Waste presentation.

23 I guess in closing, I am concerned that all the  
24 work that both the County and City have done over the last  
25 few years -- and the community has put a lot of input into



1     that -- are sort of being swept aside, and I'm wondering  
2     if given the increased tonnage, given the new proposal for  
3     a green waste facility, or a green waste whatever, and  
4     increased tonnage, increased height, there shouldn't be a  
5     new environmental impact report of some sort. It really  
6     worries me that we're going on this past stuff and  
7     overriding considerations and all that, which I'm not sure  
8     apply to this new operation.

9             One other minor aside, the helipad that was put in  
10    was illegal. It was put in without permit, without  
11    notifying the community, and we're still a little -- we're  
12    still working on that issue. I think it's a bit  
13    disingenuous, too, for someone to suggest that the reason  
14    the joint operation or the joint -- yeah, the joint  
15    operation is moving forward is to comply with a county  
16    supervisor's mandate. Obviously, it's something that the  
17    operators want and not -- they are not doing it because  
18    the county commissioners advised them to do it. That's a  
19    minor thing.

20            Maybe there's some responses from the staff.

21            But thank you very much. I appreciate your time.

22            CHAIRPERSON MULÉ: Thank you, Dr. Aller. Does  
23    staff want to address any of the issues that were raised?

24            Michael?

25            LEGAL COUNSEL BLEDSOE: Yes, Madam chairman.

1 Thank you.

2 With respect to Mr. Aller's concerns that some of  
3 the conditions the community has achieved over the years  
4 that those would be lost, not -- the issuance of this  
5 permit will not in any way limit the City and County's  
6 ability to enforce their use permit and other land use  
7 requirements, so all of those conditions remain in effect  
8 and the City and County can carry them out.

9 With respect to seismic stability, Waste Board  
10 staff has determined that, you know, to the extent of our  
11 authority in this area, which is fairly limited, that the  
12 seismic engineering is sufficient.

13 The primary responsibility for seismic stability  
14 rests with the Regional Water Quality Control Board, and  
15 that's a topic that they are working on or have completed  
16 work on. I don't know which.

17 And then with respect to whether there should be a  
18 new Environmental Impact Report, no, we do not feel that's  
19 the case. Once an Environmental Impact Report has been  
20 done, the only time you need to do a new Environmental  
21 Impact Report under guidelines, Section 15162, is when the  
22 project has changed or when there are significant  
23 circumstances under which the -- have changed under would  
24 be carried out, or where there's additional mitigation  
25 measures, you know, that could be imposed, that where the

1 old ones are not going to be affected, and none of those  
2 conditions have occurred.

3 CHAIRPERSON MULÉ: Okay. Great. Thank you,  
4 Michael.

5 Our next speaker is Wayne Tsuda.

6 I'm sorry. We wanted Gary first, or Gerry. Gerry  
7 Villalobos, and then Wayne Tsuda.

8 MR. VILLALOBOS: Good morning, members of the  
9 Board. My name is Gerry Villalobos, and I am a staff  
10 member speaking on behalf of the Los Angeles County Solid  
11 Waste Management Program, the County Local Enforcement  
12 Agency.

13 The County LEA appreciates the opportunity to  
14 comment on the proposed solid waste facilities permit for  
15 the combined Sunshine Canyon Landfills that have been  
16 developed by the state staff and is now under  
17 consideration by your Board.

18 Your staff, as indicated by Mr. Rauh, has a  
19 complete designation information packet for the joint LEA,  
20 but we do not have certainty as to when the enforcement  
21 program plan will be approved or when the new LEA will be  
22 certified. We urge that Board staff expedite the review  
23 and process of this application.

24 The County LEA maintains our prior position that  
25 the combined landfill permit is premature and that the

1 state's assumption of authority was improper at this  
2 instant. However, we agree with the state that overriding  
3 considerations might ensure the safe operation of a  
4 Sunshine Canyon Landfill, so they continue to provide for  
5 the waste management needs of the region and the  
6 protection of the public health and the environment during  
7 the current operation and future closure of these combined  
8 landfills.

9 The future design of the combined landfills and  
10 the approval of that design by the state board has not  
11 been resolved at this time. It has been the past practice  
12 of the LEA to require design approvals from the State  
13 Water Board before issuance of a solid waste facility  
14 permit because landfill designs can affect operations.  
15 There is an acknowledged separation of these  
16 responsibilities between the State Waste Board and the  
17 State Water board, but there are also shared practicality  
18 between these responsibilities. Therefore, the approach  
19 of the County LEA has been to require the resolution of  
20 both designs and operational issues prior to the issuance  
21 of a solid waste facilities permit.

22 The County LEA and our partner in this process,  
23 the City LEA, have had input in the development of the  
24 proposed permit and we have no objections to the  
25 conditions proposed for the permit.

1           We also appreciate the willingness of the state  
2   staff to work with both the City and the County, and we  
3   are looking forward to the certification of this new  
4   Sunshine Canyon LEA and our continued relationship with  
5   the state.

6           Once again, we do urge that the Board staff  
7   expedite the processing and certification of this  
8   application so that oversight and enforcement can be  
9   conducted at the local level.

10          Thank you for your -- I appreciate your time and  
11   thank you for the opportunity.

12          CHAIRPERSON MULÉ: Thank you, Gerry, for being  
13   here and for your testimony.

14          Wayne?

15          LEGAL COUNSEL BLEDSOE: If I could insert one  
16   quick comment. On the suggestion, I guess, that since the  
17   local practice may be to wait until the Regional Water  
18   Board has made its determination on a project before the  
19   local LEA issues a solid waste facilities permit, Public  
20   Resources Code Section 44009 imposes a time clock on the  
21   Board to concur, and other sections impose time clocks on  
22   the LEAs themselves.

23          But 44009(A)(1) and (A)(3) require 60-day action  
24   by the Board so we cannot wait for the Regional Water  
25   Board. But more directly, on point, 44009(D) explicitly

1 says that the LEA may not defer action until the Regional  
2 Water board has issued DWR. So that's not a basis for  
3 delaying an action on a permit.

4 CHAIRPERSON MULÉ: Thank you for that  
5 clarification, Michael. Appreciate it.

6 MR. TSUDA: Good morning. My name is Wayne Tsuda,  
7 and I appreciate the opportunity to speak on behalf of the  
8 City LEA.

9 I'm also happy to announce that under the  
10 formation of the -- through the Joint Powers Authority  
11 between the County and City of Los Angeles, the Board of  
12 Directors has been ceded and they have appointed me as  
13 program manager for the proposed Sunshine Canyon Landfill  
14 Local Enforcement Agency. And my term is proposed to be a  
15 year, at which time my counterpart from the county will  
16 take over this position.

17 But I wanted to assure you and Board staff and  
18 operator and the community that I am the single point of  
19 contact for this newly formed LEA.

20 CHAIRPERSON MULÉ: Thank you.

21 MR. TSUDA: The City LEA would like to support the  
22 points raised by the County LEA that you just heard about  
23 the premature issuance of the permit. The City believes  
24 the Waste Board's position is incorrect, Waste Board  
25 staff's position is incorrect, in its June 10th letter

1 indicating that the additional information provided, on  
2 the 4-acre interface between the closed landfill and the  
3 new landfill in the city portion is not new and not  
4 critical to Board staff's permit review.

5 We believe the issues of the City and County's LEA  
6 view of importance of complete information differs from  
7 Board staff's view. We believe that the completion of the  
8 design of the landfill liner, supporting berms, landfill  
9 gas systems, leachate collection systems, are critically  
10 important to the permitting process. Without knowing  
11 these details, which are still undergoing design efforts,  
12 how can the EA be assured that the permitted operation  
13 will work properly and not fail prematurely? How do you  
14 know that the proposed design changes will not in some way  
15 affect the permit and the JTD?

16 This is an issue of technical nature, not  
17 compartmentalized to one agency or another. The City and  
18 County LEA have worked very collaboratively with the Waste  
19 Board and Water Board staff. Addressing the issue is not  
20 the problem. The problem is moving forward too quickly  
21 without complete information in the record when it is  
22 probable that the operator may not be ready to use the  
23 permit at the time of issuance, anyway.

24 In regards to the adoption of the City and County  
25 CEQA documents by the Board for the permit, I want to

1 direct your attention to the city zone change ordinance  
2 specific to the Sunshine Canyon Landfill. I provided a  
3 one-page handout for you that describes one condition in  
4 the approval -- one condition of approval in the  
5 mitigation, monitoring, and reporting program.

6 The mitigation, monitoring, and reporting program  
7 requires a full-time inspector on site during all hours  
8 when waste is received and covered. The MMRP also  
9 indicates that monitoring agencies and enforcement  
10 agencies are the CIWMB and the City LEA. I mention this  
11 because recent comments from both waste Board staff and  
12 BFI, in response to our EPP and other communications, have  
13 indicated that staffing levels in the new SC LEA are  
14 excessive.

15 I want to assure you of two things: First the  
16 staffing levels are necessary for the SCL LEA to fulfill  
17 its obligations under the CEQA documents. And second, the  
18 operator will be paying only for services performed in  
19 compliance with state regulations and the city and county  
20 joint exercise powers agreement.

21 This issue about coverage at the landfill has been  
22 raised and is being raised as part of the MOA. We feel  
23 that if the state is taking over for even a portion of the  
24 time, that full-time coverage of the landfill is  
25 required -- and our land use document specifically



1 mentions both the Waste board and the City LEA as the  
2 monitoring and enforcement agencies.

3 Thank you very much.

4 CHAIRPERSON MULÉ: Thank you. Did you want to  
5 address that, Michael?

6 LEGAL COUNSEL BLEDSOE: Thank you, Madam Chair.

7 On Mr. Tsuda's last point, I would like to  
8 emphasize that this concept of full-time inspection  
9 coverage is certainly important, I think, to everybody and  
10 is included in the conceptual agreement that we're working  
11 on with the City and County LEA right now.

12 But more importantly, the point is that the city  
13 and county can continue, under their land use authority,  
14 whatever level of inspection and coverage and, you know,  
15 that they have, under those land use entitlements. So  
16 again, nothing in this permit relieves them of any  
17 obligation they already have.

18 And then briefly, just on the more general  
19 mitigation monitoring comment, please look at condition  
20 No. 17A2 in the proposed permit where we basically point  
21 out that the facility will comply with the mitigation  
22 measures set out in the mitigation monitoring and  
23 reporting programs.

24 Thank you.

25 CHAIRPERSON MULÉ: Okay. Thank you for that

1 clarification.

2 So we did address that one.

3 Our next speaker is Martin.

4 PROGRAM DIRECTOR RAUH: Chairman, if I might just  
5 also add that there were a number of comments made about  
6 the EEP review process, and I think that it's appropriate  
7 for those to be dealt with when the Board takes up the EPP  
8 and the staff, of course, carry out its review and provide  
9 its recommendations at that time.

10 CHAIRPERSON MULÉ: Right. And you already  
11 testified that --

12 PROGRAM DIRECTOR RAUH: That's correct.

13 CHAIRPERSON MULÉ: -- you are working diligently  
14 to review that --

15 PROGRAM DIRECTOR RAUH: Absolutely.

16 CHAIRPERSON MULÉ: -- and getting that process  
17 moving forward.

18 Good morning, Martin.

19 MR. AIYETIWA: Good morning. Thank you for the  
20 opportunity to provide some comments today and for holding  
21 this hearing locally.

22 My comment is very short and is in support of what  
23 the County LEA have said. The Los Angeles County  
24 Department of Public Works provides engineering services  
25 to the County LEA. So on that basis, it is -- I sub as

1 the engineer for the LEA. And my comment is specifically  
2 to the joint technical document, in the sense that we  
3 provided on the JTD to work with Board staff. And those  
4 comments have not been addressed, although I heard in the  
5 staff's analysis this morning that the staff that's here  
6 for the project proponents did respond to each of those  
7 comments. But we still maintain that those comments have  
8 still not been addressed, and it is premature to go ahead  
9 and issue the permits despite the deficiencies in the JTD.

10 The second issue that we have is relating to the  
11 deciding criteria for establishing new or expanding solid  
12 waste facilities. We also believe that Section 18756(D)  
13 of the Public Resources Code requires that this  
14 requirement must be met before the solid waste facilities  
15 permit is issued, and we provided comments to that, and  
16 the comments have also not been addressed.

17 Thank you.

18 CHAIRPERSON MULÉ: Thank you. Does staff want to  
19 respond to that one?

20 DIVISION CHIEF DE BIE: I will lead off on some  
21 initial aspects so other people can coordinate themselves  
22 here. I think I will just reiterate something I mentioned  
23 before and maybe add a little bit more. As part of a  
24 submittal for an application package, the applicant's  
25 required to put together a joint technical document, and I

1 will emphasize joint. It's joint because it services two  
2 separate agencies: The Regional Water Quality Control  
3 Board, and the requirements they have for issuing a waste  
4 case charge requirement, and then the requirements for a  
5 solid waste facility permit.

6 Embedded in that JTD are the subrequirements for a  
7 report and disposal site information, so there may be  
8 aspects that are still being discussed and talked with the  
9 regional board, and we're aware of that. We are tracking  
10 that. But relative to the requirements in the RDSI, staff  
11 is confident that all of those requirements have been met.

12 Yes, there is a relationship as I mentioned  
13 before, that if things change through the Water Board  
14 process, there may be an indirect impact or effect on  
15 things described under the RDSI aspects in the permit, and  
16 it would be incumbent on the operator to rectify those  
17 before going forward. And again, that would be through  
18 potentially some sort of amendment or revision to what  
19 they had proposed. So there is a mechanism in place to  
20 provide a permit and then adjust it as things evolve and  
21 change relative to other agency reviews and approvals.

22 And with that, I will pass it to, maybe, Elliot  
23 relative to the siting aspect.

24 CHAIRPERSON MULÉ: Elliot.

25 CHIEF COUNSEL BLOCK: Sure.

1           Very briefly, on the conformance finding issue,  
2   actually, for the purposes of issuance of the permit, it's  
3   controlled by Public Resources Code, Section 4409, which  
4   references Public Resources Code, Section 50001. The  
5   citation that was noted is actually in the Board's  
6   regulations, and it's simply relating to the contents of  
7   the siting element, but the requirements are -- have been  
8   addressed. It's actually, the analysis is in the agenda  
9   item, so I'm not really sure why the speaker feels that  
10   the comments haven't been addressed because, in fact, they  
11   have been addressed. We disagree with those comments, so  
12   perhaps that's what he means.

13           But it's fairly simple to -- for concurrence on a  
14   permit. The location of the facility needs to be  
15   identified in the siting element. And as described in  
16   detail, the item is, in fact, is and it does meet those  
17   requirements.

18           CHAIRPERSON MULÉ: Mark?

19           DIVISION CHIEF DE BIE: If I may, just for  
20   Elliot's benefit, this very same issue was brought up by,  
21   I believe it was, L.A. County Task Force in a letter. And  
22   we have included the letter and our response to that in  
23   Attachment 6A, I believe. So that's where the detail are  
24   located in the package.

25           CHAIRPERSON MULÉ: Thank you. Okay.

1           We're going to -- what we're going to do is take  
2   one more speaker right now, Mr. Wayne Hunter. And then  
3   we're going to take a five-minute break.

4           So Mr. Hunter.

5           MR. HUNTER: My name is Wayne Hunter. I'm the  
6   president of North Valley Coalition, and, yes, you might  
7   need a five-minute break after I speak.

8           Thanks.

9           I had a lot of prepared comments but just a few  
10  things reacting to what I have heard here today.

11          If I may, you know, a very nice presentation. All  
12  that was very glossy and very slick. And some of the  
13  things, they point to how regulated they are and how they  
14  exceed state minimum standards and things. Well, that's  
15  thanks to our local enforcement agencies, both the City  
16  and the County.

17          The reason that they are under such scrutiny is  
18  because of all the bad problems that we have with them as  
19  neighbors, the things that they did to us, the way they  
20  ran the landfill. They could not be trusted to run under  
21  state minimum standards. And at the time the state  
22  minimum standards were in, they weren't being enforced  
23  very early on in the game, when they basically offended  
24  and raped our entire neighborhood.

25          So this is the reason why there is so much control

1 over this particular landfill, not because it's two  
2 jurisdictions, but because they had acted so badly in the  
3 past and protections were needed for everybody.

4 And you know, as I said, they gloss over things  
5 and they talk about all the trees and the wonderful things  
6 they did. They didn't say, hey, gee whiz, a month or two  
7 ago, the City was out with their consultant, and  
8 80 percent of trees that were planted in the city were  
9 problematic. That means they are probably going to die.  
10 Okay?

11 So I mean, you don't see -- as I said, you just  
12 get this slight of hand, the smoke, the magic, this  
13 wonderful thing that's going to happen here.

14 I mean, and why are we all sitting here today?  
15 It's because BFI didn't follow the rules again. They knew  
16 very well what was expected of them. They did it in all  
17 the land use agreements that were there with the  
18 conditional use permits, with the zoning changes. They  
19 were well aware of what procedure there was.

20 Now, let me ask you: If I came to apply to a job  
21 for you and I lied on that application, and maybe a lot of  
22 the stuff was true, but if I lied and you found that lie,  
23 would you continue to process me as an applicant? I don't  
24 think so.

25 And in this particular case, you have the

1 situation where BFI came to you and said, gee whiz guys,  
2 we don't know what to do. We want to bring this landfill  
3 together. And, you know, in amazement, we're all going  
4 what? It was already written in here. We all knew what  
5 it was in the third year in the third quarter they could  
6 make the application. There was so many days to process.  
7 And after five years, they would be allowed, providing  
8 that they had run the landfills properly, to come  
9 together. Well aware. Also, what were they aware of?  
10 They were aware there was a Memorandum of Understanding  
11 between the City, that there was going to be a joint LEA  
12 formed. They knew all this. But yet, when they wrote to  
13 you they go, we don't know.

14 And then the other thing was what about this  
15 capacity issue? They were given 55 million tons of  
16 capacity. And in two years they suddenly don't have  
17 capacity. In two years, with less than a couple of  
18 million tons of trash. They are out of capacity. Why?  
19 Because they chose to store dirt in a place they needed to  
20 go, so this whole thing has been engineered. You are  
21 here. They are here. We're here as a result of these  
22 guys manipulating the system.

23 Now, I told them, I said, if you go through the  
24 system, I wouldn't have opposed this. And they said,  
25 you're kidding. I go, no. I fought that battle and I



1 lost it. It was all laid out. All's you had to do was  
2 follow the rules, and in five years, you could have been  
3 in there opening the city landfill and you complied with  
4 everything. That would have been the end of it.

5 But no, they chose to come to you and  
6 short-circumvent the system and get around their LEAs and  
7 you have put this community in a world of hurt. You see  
8 why -- the City and the County standing here saying, look  
9 what you have done to us. And we're saying to you also,  
10 look what you have done to us, the public. You call this  
11 protecting our health, welfare, and safety? I don't think  
12 so.

13 You're putting us in harm's way, and you are  
14 putting us at the mercy of BFI so that they can make their  
15 unholy dollar, because this is really what it's about.  
16 They want to put the landfill together because it's  
17 cheaper for them to run, but they don't want to wait.  
18 They took all the agreements the City and the County put  
19 forward to them, and they agreed and they signed on the  
20 line and they bought into this. But now, that's not good  
21 enough for them. Allied Waste is taking over.

22 Hey, BFI is not doing so well these days, okay?  
23 They are under pressure to make more dollars for them. So  
24 this is their way: Let's get the landfill together and  
25 start making more dollars. This is what it's all about.

1           And unfortunately, they maintain a super lobby up  
2   in your area. Okay? We can't -- we can't compete with  
3   that. How do you expect us to go out there? I drove up  
4   the last time. I stood up there and I spoke. And, you  
5   know? What it was agreed that public testimony was not  
6   going to be considered in the appeal. So everything that  
7   I said just got thrown aside; it wasn't even listened to.

8           You know, this is the kind of thing. And to be  
9   honest with you, to us, it's a sham, these hearings that  
10  you are holding. Okay? And if I look at the California  
11  Integrated Waste Management Board's meeting for  
12  June 19, 2006, no environmental justice issues. Hey, I  
13  don't think so. You held the first meeting in Granada  
14  Hills and you knew that the joint technical document,  
15  which supported what they were requesting, was fatally  
16  flawed, and yet, you continued on with that.

17          And not only that, over the time, you said, hey,  
18  everything will be posted on the Web site. I have checked  
19  that Web site time again. There's nothing on it. I can't  
20  find anything that I really needed. Okay?

21          And let's talk about oh, yes, supposed to go down  
22  to our public library in Petit Park in Granada Hills. As  
23  of 6/11/08, material that has been submitted by all  
24  parties was not on the Petit Park library in Granada  
25  Hills. In fact, the librarian in charge of environmental

1 documentation, Michelle Rayborn, said that the updated  
2 material was sent to them uncorrelated; it was not in  
3 three-ring binders. And before they were filed, the  
4 Integrated Waste Management Board turned up to check on  
5 the material, found out what a bad state it was in, took  
6 all the new documents and have not returned them since.  
7 Okay?

8           So the only documents that are in there are dated  
9 February 27, 2008, and only one volume marked Volume 3 and  
10 3 indicated that there was a May update on it. So we have  
11 not got the information. I got sick of checking your Web  
12 site because you weren't posting it. And I complained to  
13 the Integrated Waste Management Board before and said,  
14 hey, we've been making comments. Our comments aren't  
15 answered. Even our letters aren't posted. I have checked  
16 today. They have posted them. They posted their letters,  
17 but the answers still aren't there to the things we have  
18 done.

19           So you think this -- it is an environmental  
20 justice issue. You know, you are not doing what you are  
21 supposed to do and required by law, and then you are  
22 leaving us to try to play catch up with what is going on  
23 here with these masses of document changes. Now, I don't  
24 think that that is allowed under your rules even. I am  
25 looking there and change after change after change, going

1 in. And you expect us, the public, to go check every day  
2 to find out what is going on.

3 And again, you know, the very premise that you  
4 accept it -- this particular application for a permit is  
5 based on falsehoods and you and your staff have every  
6 right to reject it, either then or now based on the claims  
7 that were made by BFI. You do not have to process this.

8 And again, the manufactured shortfall. Can you  
9 explain to me -- and Dr. Aller was getting around to the  
10 seismicity, things like this. This is one of the most  
11 seismic active areas in all of Southern California. Okay?  
12 And it's located directly adjacent to where water is  
13 processed and stored for 19 million people. Do you not  
14 think that we warrant additional protections? Because  
15 your statement minimum standards do not give us that. I  
16 assure you, they do not give us the protections necessary  
17 to ensure that a landfill is properly and safely run. We  
18 need this. We need our LEAs. Okay?

19 So if you consider -- how do you consider that  
20 this is protecting our health, safety, and welfare by  
21 ignoring all of the land use issues and saying, oh, put  
22 the blinders on. We can only just look at our solid waste  
23 facilities permit and our state minimum standards. They  
24 are not enough in this area.

25 It is your duty, and you are -- it is incumbent

1 upon you to protect us and you are not doing it by just  
2 taking this current approach.

3 Now, we have a landfill that was closed 17 years  
4 ago. You are now approving the solid waste facilities  
5 permit for a landfill you haven't even approved closure  
6 on, 17 years. Now, you know, maybe these guys can tell  
7 you. I thought they were supposed to close six to nine  
8 months after they closed. In 1991 that landfill was  
9 supposed to have final cover. But it couldn't because it  
10 was not engineered properly. The side slopes were too  
11 steep. We got into a big fight over this.

12 In 2000, you had a state audit performed on you  
13 which said you weren't doing your job about getting these  
14 landfills closed. And ours was one of them, and that was  
15 in 2000. This is 2008, 17 years later, and you are now  
16 allowing a huge landfill to come together with a permit  
17 over an old landfill that has never been closed, and it  
18 was your responsibility to do that.

19 And then the other thing. You claim there's no  
20 LEA, and there is. We have an SC LEA formed by the City  
21 and the County who are willing to take this process and  
22 move it through, make sure that everything is there, and  
23 then pass it on to you for your final approval as the  
24 system was supposed to run in the first place. And yet,  
25 you are refusing to certify them. So something is wrong.

1 You have interjected. You have interjected yourself into  
2 this particular process. Okay? And it's at our  
3 detriment, and we do not believe that you have the best  
4 public interests at heart.

5 Thank you.

6 (Applause.)

7 CHAIRPERSON MULÉ: Well, there's a number of  
8 issues that were brought up here. And I don't know if  
9 staff wants to address these.

10 I will say that we did hear from our staff earlier  
11 that we are in the process of certifying the joint LEA  
12 between the City and County. So Mr. Hunter, I  
13 respectfully disagree with you on that point. We are in  
14 the process of certifying that joint LEA. And the  
15 application was just received when, Tuesday?

16 PROGRAM DIRECTOR RAUH: That's correct.

17 CHAIRPERSON MULÉ: Two days ago. So we are  
18 working as quickly and diligently as we can to do what we  
19 can to protect the public health and safety in your area.

20 I think what we should do right now is take a  
21 five-minute break and then we will hear the remaining  
22 public comment, and then we'll go to deliberation.

23 Thank you.

24 (A break was taken in proceedings.)

25 CHAIRPERSON MULÉ: Ted, would staff like to

1     respond to the previous testimony?

2             PROGRAM DIRECTOR RAUH:   Yes, thank you, Chair  
3     Mulé.

4             There are two areas we would like to respond.   The  
5     first has to do with the availability of documents for  
6     public review and participation, and I would like  
7     Ms. Markie to address that issue.   Try it again.

8             The first issue we would like to address is the  
9     availability of public documents for public participation  
10    in this process.   The second issue, which I would like Sue  
11   Markie to address, and then I will turn to address the  
12   issue of long-term closure of the old landfill as part of  
13   the LEA site.

14            CHAIRPERSON MULÉ:   Okay.   Thank you.  
15            Sue?

16            MANAGER MARKIE:   Board staff went to the Granada  
17   Hills Library on two separate occasions to ensure that the  
18   joint technical document was available for review.   Most  
19   recently, staff, on May 29, 2008, stopped by the library  
20   to ensure that the revisions, the amended pages, to the  
21   JTD were viewable at the library.   They were not in any  
22   sort of binder, so we took the pages with us and we sat  
23   and inserted them and returned the document with all the  
24   amended pages to the library by 7:00 p.m. that day.   And  
25   in fact, the LEA County staff assisted us with that

1 process and dropped that off and verified that with us.

2 Additionally, e-mails were sent out to all  
3 interested parties notifying them of updates to the  
4 Board's Sunshine Canyon informational Web site, letting  
5 them know that things had been added.

6 And most recently, on June 10, 2008, a letter was  
7 transmitted to Mr. Hunter where exactly on the Web site he  
8 could locate Board's response to comments.

9 CHAIRPERSON MULÉ: Thank you.

10 PROGRAM DIRECTOR RAUH: Now I would like to turn  
11 to Bill Orr to discuss the issue of closure of the old Los  
12 Angeles City Landfill.

13 Bill?

14 DIVISION CHIEF ORR: Thanks, Ted.

15 My name is Bill Orr, and I am the chief of the  
16 Cleanup, Closure, and Financial Assurances Division.

17 By way of quick background, as Mr. Hunter  
18 indicated, for many years, the CIWMB was actually out of  
19 the closure plant review loop. That changed in 2003 when  
20 we returned for the approval of closure plans.

21 In this particular case, I just wanted to clarify  
22 that the Integrated Waste Management Board did, in fact,  
23 approve the certification of the old city landfill  
24 approximately three years ago. And the Regional Board  
25 conditionally approved it pending the performance, the



1 evaluation of the performance, of the final cover, which  
2 was a water-balanced monolithic cover.

3 My understanding is that the Regional Board had  
4 just recently signed off in the last six weeks or so on  
5 that cover design. So the board did, in fact, approve the  
6 certification of closure about three years ago, and, just  
7 recently, the Regional Board did likewise.

8 CHAIRPERSON MULÉ: Thank you, Bill, for that  
9 clarification.

10 Our next speaker is Maryellen Crosby.

11 MS. CROSBY: Good morning or afternoon, whatever  
12 we are.

13 I'm Maryellen Crosby, and I am chairman of the  
14 Friends of O'Melveny Park, and also I am the neighborhood  
15 council and I am the park representative. But today I'm  
16 speaking the hat -- I'm wearing the hat of the friends of  
17 the park.

18 And I'm not good at all this legalese that you  
19 people are throwing around and all these numbers. When it  
20 comes to plants and trees, I know what I am talking about.  
21 But all this other stuff.

22 But anyway, there's just a few things I would like  
23 to bring up. For one thing about seven years ago -- all  
24 of a sudden, we have a creek that runs through Bee Canyon  
25 Park, which is part of O'Melveny Park and is the second

1 largest park in Los Angeles next to Griffith Park. But  
2 it's the best kept secret in the valley. Most people  
3 don't know about it. It's a gorgeous nature park.

4 And through that park runs a creek, which is Bee  
5 Canyon Creek and empties into Bull Creek. And Bull Creek  
6 empties into the ocean, so it's a -- you know.

7 But anyway, we had a wonderful waterfall that fed  
8 into the creek and it ran through it. But about seven or  
9 eight years ago, like I say, I don't know all the legalese  
10 and the dates, but when the Sunshine Canyon enlarged the  
11 dump -- I mean, the landfill, why, all of a sudden, the  
12 earth was moved around, and there was a -- what do they  
13 call this? Not rainforest. A wetlands up there. And  
14 most of the wetlands was destroyed and so was our  
15 waterfall. So now our creek is pretty barren; no water  
16 hardly in it at all.

17 And I can remember when all the children in the  
18 neighborhood used to be in there collecting pollywogs and  
19 playing in it, and it was wonderful. But now we have a  
20 dry creek bed, and it all happened at one time when we  
21 lost the wetlands.

22 Now, I know there were supposed to be put in more  
23 wetlands and they started something at Bull Creek to make  
24 a little park or a wetland. Well, that's never been  
25 finished, and that's been going on for four years, at

1    least.  Now, the other things they did are not in the  
2    Granada Hills area.  They are in Chatsworth and various --  
3    so our community which suffers the most from having  
4    landfills was not benefited by any of this stuff that they  
5    did through -- when they changed it around.

6            But anyway, they are great people to work with and  
7    they give me big boulders and lots of things that I need  
8    in the park, so they are not bad people, but they just  
9    sometimes don't follow through on some of the stuff.

10           The other thing that I wanted to mention, they  
11   talked about the mitigation and then when you showed the  
12   screen over there, I didn't see anything about a health  
13   meeting that we had.  We did.  There was a study done and  
14   I was in the beginning part of it.  And they made out  
15   questionnaires where they were going to homes.  I had a  
16   book with, like, 150 people in our community surrounding  
17   O'Melveny Park, which is closest to it.  And we made out  
18   these questionnaires, and the students from the university  
19   were supposed to go on.  And I knew exactly what was on  
20   that questionnaire because I worked on it.

21           So they went to about every third house to check  
22   on cancer.  Well, if someone had died, like, next door to  
23   me, both of those people had cancer.  They would not allow  
24   that as being cancer because they weren't there right now.  
25   And, well, they are dead.  What could you do about it?

1 And they went to every third house like that. So half of  
2 the people that I had listed on there, they were not.

3 And then they came to my house. I was one of the  
4 third. And it just so happened that my son at that time  
5 was stage four throat cancer, and I filled that all out on  
6 the form. So then we go to this big meeting. It was  
7 lovely. It was at the Odyssey, refreshments, very nice.  
8 They had a screen up and did all this -- told about the  
9 cancer in our community. But it was not notable. We were  
10 not considered a cancer cluster, and they compared us with  
11 a group in Chatsworth. Now, they said that group was  
12 6 miles from Rocketdyne. But later on, it was proved they  
13 were only 4 miles from Rocketdyne. And they and us were  
14 very similar, but neither one of us were cancer clusters.  
15 Now, you know, Rocketdyne has been changed since then.

16 But anyway, we go to the meeting and they show it  
17 on the screen and they're telling all about it and they  
18 show all the cancers in the community. There's no throat  
19 cancer listed. So I went to the doctor and to the  
20 person -- because I was working with these people. I knew  
21 everybody who was involved in it. I could tell you -- I'm  
22 not legalese like you guys, but I know people and I'm an  
23 activist. I work in the community. So I asked them. I  
24 said how come there was no throat cancer up there? I  
25 said, you guys know different. You know from the meeting

1    why I got involved in this.  Because so many of my son's  
2    friends who played in the park and swam in the pools  
3    around here all were coming down with some kind of cancer.  
4    There was more, actually, young people -- when I say young  
5    people, he was 40 at the time -- than what there were old  
6    people, like me, that were coming down with the cancer.

7                So anyway, I talked to them about it.  They said  
8    Maryellen, that can't be.  I said, well, look at your  
9    thing.  There's no throat cancer.  Well, probably the girl  
10   that did it made a mistake or it was a computer glitch.

11               Now, if that happened to me -- and I knew what was  
12   going on -- I wonder just how much other houses things  
13   were not reported from.  I think it was a very flawed  
14   survey, and I would love to see that repeated.  But  
15   anyway, that's neither here nor there.

16               Then the other thing they talked about, the  
17   earthquake.  I have been through two earthquakes.  I've  
18   been in my house 42 years.  I was in the '71, and I was in  
19   the last one.  I lived in a trailer for almost two years  
20   till they rebuilt my house.  And I live on Van Gogh, and  
21   I'm just down the street from the Van Gogh School.  And  
22   that school was maybe 9 -- 15 years, at the most, old.  It  
23   was done everything from -- should be, because in the '71,  
24   I was 20 years old.  In the '71 earthquake, it was damaged  
25   badly, but it was a brand new school.  It was only a year

1 old.

2 Then this last one, it was completely demolished.

3 It is the only school in the city of Los Angeles that was  
4 completely torn down and redone.

5 So when they talk about seismic, we're in what  
6 there is known as the triangle. The fault comes out and  
7 hits where we are. Bee Canyon is actually a fault line  
8 and it comes back. We get a double whammy in that area.

9 And I am just -- if you look on your map, Van Gogh  
10 and Neon Way and Cesna, we are all right underneath --  
11 we're across from the park but we are right underneath  
12 Sunshine.

13 That's another thing I wanted to bring up. And I  
14 appreciated you letting me talk and I know I am rambling,  
15 and I don't mean to be that way. But I know there's just  
16 a few issues that I thought should be brought up.

17 And the people are not bad people. I just think  
18 they don't understand what they are dealing with in our  
19 community. And they have been very kind to us in a lot of  
20 ways, but they are just -- they don't understand what the  
21 terrain that is around us. And I love the park and I want  
22 to keep it that way.

23 And I feel when the local communities work with  
24 them, we know what goes on in our area, just like the  
25 people in the county. They know what's going on in

1 theirs, and they can help with this and. We're right by  
2 the city water, and we worry about that because -- this is  
3 being naughty, but the birds go in the dump and you know  
4 what they do, and then they go over on to the city water  
5 and they are dropping all that nice stuff. So that  
6 worries us too.

7           So please forgive me for rambling, but I think we  
8 should think it two separate areas, because the state is  
9 not going to have the contact with us like the  
10 people which would -- and the people that work at BFI hear  
11 from us and we tell them what's going on and what they are  
12 doing wrong and what they are doing right. And I'm sure  
13 the county is going to do the same thing. And I think  
14 that's real important, because when you got the one  
15 central person, they are not division -- they are not  
16 going to take from the two different sides.

17           Thank you for listening to me.

18           CHAIRPERSON MULÉ: Thank you for being here today.  
19 We appreciate it.

20           Our next speaker is Cherrill Mann.

21           MS. MANN: Hi. I am Cherrill Mann, and thank you  
22 for having us here.

23           I oppose the integration of Los Angeles County and  
24 Los Angeles City Landfill as it further threatens the  
25 diminishing L.A. water supply. The metropolitan water

1 district from whom we buy approximately 60 percent of our  
2 water has declared serious drought in L.A. Trash is not a  
3 crisis. We can defer the combining of landfills, but we  
4 can't defer either drought or contamination of water.

5 BFI has already destroyed our wetlands and  
6 contaminated the precious waters of Sunshine Canyon. The  
7 County side, however, has wells it can still monitor. If  
8 we connect County with City, County can no longer monitor  
9 its wells and contamination could now frighteningly reach  
10 the mouth of the canyon before anyone is aware.

11 At least the county wells' contaminated water can  
12 be interdicted. Adjacent to all this lies the L.A.  
13 reservoir -- 14 acres of unlined, uncovered water, serving  
14 19 million people, and you know now the trip of the sea  
15 gulls.

16 How do you prevent leachate? Do you -- you  
17 personally could put us all at risk. I think you have  
18 integrity and you have intelligence, and I know there's  
19 wisdom there. You have to go beyond politics which I am  
20 counting on it. I am counting on you will do this. You  
21 must oppose this issue for this moment in time.

22 Thank you.

23 CHAIRPERSON MULÉ: Thank you for being here and  
24 for your testimony.

25 Our next speaker is Nicole Bernson.



1           MS. BERNSON: Good morning. I just wanted to say  
2   thank you to all the members for coming today, even  
3   members that are not on the committee. It means a lot to  
4   have everybody here in the local community. I also wanted  
5   to acknowledge, aside from the members here, Gary  
6   Petersen, who's also a very good friend to us in Los  
7   Angeles.

8           I have a statement from Council Member Smith that  
9   I will read into the record:

10           "Honorable members of the California Integrated  
11   Waste Management Board, I have always appreciated the  
12   close working relationship we've enjoyed with the Waste  
13   Board, which is why the events of the past nine months  
14   have been extremely distressing. It will always be my  
15   belief that the LEA is the appropriate entity to draft the  
16   permit requirements of the combined Sunshine Canyon  
17   landfill and to enforce its conditions. The capacity  
18   crisis that was the cause of this expedited permitting  
19   track was one manufactured by BFI specifically to get  
20   around local City of Los Angeles and County of Los Angeles  
21   requirements. This includes a restriction against  
22   operating jointly for another two full years.

23           "Regardless of our disagreement on this issue, I  
24   know that we can, and must, agree that we need to  
25   guarantee the health and safety of the community and make

1     that our primary objective.  Whatever action is eventually  
2     taken, we also need to steadfastly insist that all state  
3     and local rules and regulations are adhered to."

4             Thank you.

5             CHAIRPERSON MULÉ:  Thank you, Nicole.

6             And before I forget, I would like to recognize  
7     that Board Member Chesbro has joined us up here at the  
8     dais, and Board Member Petersen is in the audience.  So  
9     thank you for both being at our committee meeting.

10            Our final speaker is Mary Edward.

11            MS. EDWARD:  Thank you for listening to an old  
12     lady.

13            I've been thinking about it, living with that  
14     landfill for a very long time.  And it occurs to me that  
15     one of the things that this Board has been really actively  
16     pursuing is alternatives to landfills, and I think if by  
17     providing much more landfill space, you are really doing  
18     an injustice to the city which is now moving for  
19     conversion facilities, which I think, really, in the long  
20     run, will make the purpose of this Board and all of us  
21     aware that this -- these are things that can be recycled  
22     in conversion facilities, which do not produce the  
23     pollutants that the old facilities, the transformation  
24     facilities, did, and that the City really wants to  
25     actively pursue this.

1           And if we keep making cheap landfill space  
2   available, we are not doing our planet any good because  
3   the amounts of unfortunate gases and dust and everything  
4   else -- one of the big causes of cancer is the particulate  
5   matter, the PM10 and so forth, and the City is really  
6   struggling with this problem. We need to take the longer  
7   view and look down at the technologies that are right now  
8   happening in the city of Los Angeles, there, making places  
9   for the conversion facilities that we need.

10           And this is what this is all about. This is what  
11   the Board is all about. It is taking things and making  
12   useful products from them, rather than wasting. And this  
13   is part of the whole global environment, now, is to try to  
14   be good stewards of the planet. And the way we are going  
15   to be good stewards of the plant is not to build more  
16   landfill space, which just buries the things that could be  
17   recycled and reused, but instead of permitting that, we  
18   look toward a future without landfills where we can take  
19   things and use them productively and reuse them and be  
20   stewards of the planet because we have -- we live in a  
21   beautiful world and we need, need, to preserve it.

22           Thank you.

23           CHAIRPERSON MULÉ: Thank you, Mary.

24           (Applause.)

25           CHAIRPERSON MULÉ: Okay. That concludes our

1 public comment.

2 So do we have any questions for either -- for  
3 staff?

4 Board Member Peace?

5 No questions.

6 Chair Brown, any questions?

7 MEMBER BROWN: I don't have specific questions  
8 other than to thank all of you who are here who have  
9 participated in the process for your doing so. This  
10 certainly has been a thoroughly vetted waste facilities  
11 permit application, and it could quite possibly be one of  
12 the most thoroughly vetted that we have ever seen. And  
13 this is part of a large trend or a larger trend as well,  
14 and it absorbs 15 pages in our documents that lists the  
15 public hearings and meetings related to Sunshine Canyon  
16 Landfill.

17 I think there's been a tremendous job done in  
18 reviewing all of the issues and requirements. Our staff  
19 has done a herculean effort to make and explore and refine  
20 all of the aspects of this permit.

21 We all know this is a particularly unique  
22 situation, and we've taken that into account and I believe  
23 done and gone above and beyond what is normally expected  
24 of a regulatory agency such as ours. We have been  
25 demanding of the applicant, patient and cooperative with

1 the City and County, and absolutely, without exception,  
2 deferential to the standards and regulations that define  
3 our regulatory authority.

4 In some respects, the application exceeds permit  
5 conditions and its design and operation exceed certain  
6 federal standards that form the basis for some of our  
7 requirements.

8 There is every reason to be confident that this  
9 will be a responsible operation and will serve the  
10 surrounding community and its disposal capacity needs into  
11 the future. And let us not forget what is driving this  
12 need -- the growth of this region and the generation of  
13 waste by the residents and businesses. They have  
14 precipitated the need for this. It is not the necessity  
15 contrived by the permit application. Certainly, the City  
16 and County see this, evidenced by the local approvals that  
17 have been rendered in recent years in land use decisions  
18 CEQA and other considerations.

19 In a large sense, it also -- I also want to point  
20 out that there must also be a certain order of  
21 predictability in a permitting process. The system says  
22 to the applicant, do this, do these things, and do all of  
23 them and you will have what is necessary to secure a  
24 permit. There is a basis for integrity in that process,  
25 and that must be preserved.

1           Philosophical opposition simply to the very  
2   existence of a landfill here, or there, or somewhere else  
3   is not material to such a consideration. Personally, I am  
4   monumentally unimpressed with our state's continual need,  
5   as Mary mentioned, for landfills. But I am also impressed  
6   with the diligence exhibited by the City, the County, and  
7   the applicant, over the years, to ensure all requirements  
8   are met for Sunshine Canyon, with the number of types of  
9   mitigations imposed and accepted and the degree of  
10  transparency that this process has provided throughout.  
11  It is predictable and desirable that the landfill  
12  applicant anywhere in this state should be subject to  
13  rigorous standards in both the permitting and especially  
14  in their operating faces. The local process conducted by  
15  the City and County for Sunshine Canyon, along with our  
16  review and that of the other state regulatory agencies,  
17  has ensured that this -- has ensured for this in the  
18  permitting phase, and it would be for the conduct of a  
19  single operation as well.

20           Indeed, the action being requested of our  
21  committee and the Board -- to adopt the CEQA findings and  
22  the Statement of Overriding Considerations, as adopted by  
23  the lead agencies themselves, entities -- the city and  
24  counties of Los Angeles including entities elected by the  
25  people. Local land use and environmental approvals going

1 back as far as 15 years envisioned a city/county combined  
2 landfill. It is our sincere hope that the City and County  
3 will soon conclude the business with the Board in approval  
4 of their local enforcement agency for Sunshine Canyon.

5 For now, as stated clearly in the law, it is our  
6 responsibility to assume the role as enforcement agency in  
7 the absence of one that can process a permit for a single  
8 facility spanning two jurisdictions. We did not seek this  
9 role, but out of necessity, we're performing it and with  
10 the full scrutiny and diligence demanded by the law.

11 We look forward to a separate LEA formed by the  
12 City and County for Sunshine Canyon, and, of course, we'll  
13 certainly continue to work closely with them in the  
14 pursuit of this as we have for the past several months.

15 CHAIRPERSON MULÉ: Thank you.

16 Board Member Peace?

17 MEMBER PEACE: I just want to tell you that we do  
18 take all public comments very seriously. You know, that's  
19 why we're here today, and that's why I appreciate all of  
20 you being here also.

21 But you know, the Waste Board doesn't site  
22 landfills. In fact, I don't even like landfills. If it  
23 was up to me, someday I would love to see all these  
24 landfills closed. But despite the state's and the Board's  
25 best efforts, there's still 40 million tons of garbage

1 going to landfills each year in this state.

2 I do have to give kudos to Councilman Greg Smith,  
3 the city council for being proactive and looking at  
4 diversion technologies. I believe your councilman is on a  
5 trip right now. And I applaud those efforts, you know, to  
6 look at alternatives to landfilling. I think that's  
7 great. And I hope that's the way the state, you know, can  
8 move in that direction. But we're not there yet.

9 This landfill has been approved at your local  
10 level. The Board makes sure that they meet all state  
11 minimum standards as prescribed in law so that we do  
12 protect the public health and safety of the environment to  
13 the extent that we can.

14 You mentioned several things with water that you  
15 were concerned with. That concerns us also, but,  
16 actually, our board doesn't have any say in those things.  
17 It is the Water Board. The landfill does still have to  
18 get their Water Board permits. They are not -- even if we  
19 approve the permit on our side, they are not allowed to  
20 operate until they do get those Water Board permits in  
21 place.

22 This is the most conditioned and overseen landfill  
23 in the state. I assure you that. And all of the current  
24 land use entitlements and conditions that you have put in  
25 place will still be in place, and it is our intent also,



1     you know, to expedite the approval and certification of  
2     the JPA and the EPP and to turn over the enforcement to  
3     the new LEA as soon as we can. We would love to be able  
4     to do that as soon as possible.

5             So thank you.

6             CHAIRPERSON MULÉ: Thank you, Board Member Peace.

7             I do have a few comments. I am not going to  
8     reiterate what my fellow committee members have said  
9     because they stated it so well.

10            But I just want to thank you, Mary, for your  
11     comments because you were so right on. I mean, we as  
12     Board members completely agree with you that we need to  
13     look at source reduction, reuse, and recycling, before we  
14     landfill. As a matter of fact, it's part of our law. We  
15     are responsible for carrying out that mandate of source  
16     reduction, reuse, and recycling. So we -- I think we're  
17     all in agreement on that point.

18            However, in one of the most populated areas of  
19     this state, we have to properly manage what is going into  
20     the landfill. And part of our responsibility at the Board  
21     is to regulate these solid waste facilities in order to  
22     provide the maximum public health and safety to all of you  
23     who live here.

24            So as the chair stated too, this permit  
25     application has been one of the most vetted, if not the

1 most vetted, applications, not only in this state but  
2 probably in this entire country.

3 And I think that we, our staff, the LEAs,  
4 everybody, has done what they can, even the local  
5 government in your land use approvals and your EIR  
6 approvals, and all the processes that you have gone  
7 through in the last 15 years. You vetted this more  
8 thoroughly than probably any other facility that I'm aware  
9 of.

10 Solid waste facilities here in the state of  
11 California are some of the most highly regulated  
12 facilities in the state. They are inspected at least on a  
13 monthly basis. So again, I think that we are doing  
14 everything that we can to protect the public health and  
15 safety.

16 Now, I know there were a number of issues that  
17 were raised today pertaining to water quality and air  
18 quality and land use. And unfortunately, under current  
19 state law, those issues are not under the purview of this  
20 Board's authority. So we must act upon only that which is  
21 under our authority and that's what we're here to do  
22 today.

23 So with that, we do hope that we can process this  
24 joint LEA application as quickly as possible and turn over  
25 the enforcement authority back to the local LEAs. That's

1    what we wanted to do all along, and that's -- we were  
2    hoping that the timing would be such that we wouldn't have  
3    to sit here today and deliberate this permit. But here we  
4    are, because this is what the law is requiring us to do.

5            So with that, I do hope that we can get the joint  
6    LEA certified as quickly as possible, turn over the local  
7    enforcement authority back to the local LEA, joint LEA,  
8    and then move on with this process.

9            So with that, I want to thank everybody for being  
10   here today. I appreciate your testimony and your input.  
11   We do care. We are -- that's why we're here today. We  
12   could have had this meeting in Sacramento, but we all felt  
13   that it was very important to be here in your community to  
14   hear what you had to say.

15           Thank you.

16           So with that, if there's -- I don't know if  
17   there's any other comments or questions.

18           MEMBER BROWN: I move Resolution 2008-107.

19           MEMBER PEACE: Second.

20           CHAIRPERSON MULÉ: It's moved by Chair Brown and  
21   seconded by Member Peace.

22           Tracy, would you please call the roll for us.

23           ADMINISTRATIVE ASSISTANT COTTINGIM: Brown?

24           MEMBER BROWN: Aye.

25           ADMINISTRATIVE ASSISTANT COTTINGIM: Peace?

1 MEMBER PEACE: Aye.

2 ADMINISTRATIVE ASSISTANT COTTINGIM: Chair Mulé?

3 CHAIRPERSON MULÉ: Aye.

4 That's moved, and we will put that on the consent  
5 agenda for the Board meeting next Tuesday.

6 So without any further public comment, I thank you  
7 again for being here.

8 This meeting is adjourned.

9 (The California Integrated Waste Management  
10 Board, Permitting & Compliance Committee,  
11 Special Meeting, concluded at 12:22 p.m.)  
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1 CERTIFICATE OF REPORTER

2

3 I, KATHRYN S. SWANK, a Certified Shorthand  
4 Reporter of the State of California, do hereby certify:

5 That I am a disinterested person herein; that  
6 the foregoing California Integrated Waste Management  
7 Board, Permitting and Compliance Committee, Special  
8 meeting, was reported in shorthand by me, Kathryn S.  
9 Swank, a Certified Shorthand Reporter of the State of  
10 California, and thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or  
12 attorney for any of the parties to said meeting nor in any  
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 this 25th day of June 2008.

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23 KATHRYN S. SWANK, CSR  
24 Certified Shorthand Reporter  
25 License No. 13061